

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEFF MEIJERS,

Plaintiff,

vs.

PEOPLE'S HEALTH CENTER, DDS
REDDY,

Defendants.

4:13CV3064

MEMORANDUM AND ORDER

Plaintiff has filed a motion for court-appointed counsel. (Filing No. 12). A civil litigant has no constitutional or statutory right to a court-appointed attorney. The court may, however, make such an appointment at its discretion. [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#). A trial court has broad discretion to decide whether both a pro se party and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the pro se party's ability to investigate the facts and present or defend the claims. [Id.](#)

Considering all these factors, the court finds appointment of counsel is not warranted in this case at this time. Having reviewed the complaint, the court finds the plaintiff is able to adequately litigate his claims and defenses. [Id.](#) See also, [28 U.S.C § 1915\(a\)](#).

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's motion for appointed counsel, (filing no. 12), is denied.
- 2) On or before June 13, 2013, Plaintiff Meijers shall either: (a) obtain the services of counsel and have that attorney file an appearance in this case; or (b) file a statement notifying the court of his intent to litigate this case without the assistance of counsel. The failure to do so may result in a dismissal of Plaintiff's claims without further notice.

May 31, 2013.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge